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October 10, 2012

VIA ELECTRONIC AND U.S. MAIL

Ms. Caroline Kwan
Remedial Project Manager
Special Projects Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866

Re: Progress Report No. 15 – September 2012
Newtown Creek Remedial Investigation/Feasibility Study

Dear Ms. Kwan:

Anchor QEA is submitting this monthly progress report for the Newtown Creek Remedial Investigation/Feasibility Study (RI/FS) on behalf of the Respondents to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). As set forth in Section 42 of said Settlement Agreement, this progress report is divided into the following areas:

1. Actions taken to comply with the Settlement Agreement during the previous month
2. Results of sampling and tests and all other data received by Respondents to the Settlement Agreement during the previous month
3. Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays
4. Work planned for the next 2 months with schedules relating to the overall project schedule for RI/FS completion

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1. Actions Taken to Comply with Settlement Agreement during Previous Month

- The following summarizes the series of discussions and submittals regarding reference area sampling that occurred in September:
 - September 7: In response to discussions with USEPA regarding reference area sampling sites, Anchor QEA submitted to USEPA the Phase 1 RI Work Plan Addendum – Reference Area Memorandum that identified the candidate background and reference area sites being considered, summarized the data that exist for these sites, clarified which sites were being recommended for sampling in fall 2012, and identified what parameters were proposed for collection at these sites. This memorandum was submitted on behalf of the Newtown Creek Respondents, although the City of New York was not in support of this submittal.
 - September 11: The City of New York submitted its recommended reference area sampling plan to USEPA.
 - September 13: A meeting was held between the Newtown Creek Respondents and USEPA to discuss, among other items, the content of the two reference area sampling plans. Agreement on the physical parameters to be measured during the reference area sampling was achieved during this meeting.
 - September 21: The Newtown Creek Respondents submitted a list of 14 candidate reference area sites to USEPA. These sites were then discussed with USEPA on a teleconference that same day. Proposed sampling locations within each candidate site were also discussed during the call.
 - September 24: Anchor QEA submitted maps to USEPA showing revised sampling locations for each of the 14 candidate sites.
 - September 26: The City of New York submitted to USEPA a revised reference area sampling plan.
 - September 27: USEPA issued a decision on what sites would be sampled in each of the 14 candidate reference areas, the number and location of samples to be collected at each site, and indicated that all samples would be analyzed immediately (i.e., without sediment archival for chemical analysis at a future date) for the full suite of chemical analytes (in addition to the physical parameters). The details of this decision were discussed with USEPA on a teleconference that same day. The Newtown Creek Respondents agreed to document the details of this reference area sampling plan in a separate memorandum.

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- September 28: Anchor QEA submitted to USEPA a tentative schedule identifying the order and timing of the reference area sampling.
 - October 1: The Newtown Creek Respondents submitted to USEPA the Phase 1 RI Work Plan Addendum – Reference Area Memorandum No. 2. This memorandum documented the details of the reference area sampling, as discussed during the September 27 teleconference.
 - On September 28, the Newtown Creek Respondents submitted responses to USEPA's comments on the draft Cultural Resources Survey Stage 1A Report.
 - The following Phase 1 field activities were conducted in September:
 - The eighth round of analytical surface water sampling was conducted from September 9 to September 14.
 - The sixth round of current meter data retrieval and re-deployment was conducted from September 24 to September 26.
 - The Quality Assurance Project Plan/Field Sampling and Analysis Plan (QAPP/FSAP) Deviation Memorandum No. 4. was submitted to USEPA on September 27. This memorandum proposed that an additional sampling location be added to the analytical surface water sampling program to fill a perceived data gap identified during review of prior surface water sampling results. The proposed location is situated roughly half-way between current locations NC046SW and NC068SW. USEPA approved this request on September 28.
 - Meetings
 - The Respondents and USEPA met in New York City on September 13 to discuss approaches to reference area sampling, review action items related to the ongoing upland investigation, and discuss a possible extension to the submittal date for the Phase 2 RI Work Plan. USEPA indicated its desire to review a Gantt chart that clearly outlines the proposed schedule through the submittal of the RI Report (i.e., June 2015) before it could grant such an extension. Anchor QEA prepared the requested project schedule/Gantt chart and submitted it to USEPA on October 3.

2. Results of Sampling and Tests and Other Data Received by Respondents during Previous Month

- Final data validation and/or quality control review was completed for the following data sets (and are included on the enclosed compact disc [CD]):
 - Digital elevation model with Light Detection and Ranging (LiDAR) and high-resolution aerial images (March)
 - Sedflume cores (March)
 - Current meter (March to mid-August)
 - Analytical surface water sampling (May)
 - Air monitoring (June)
- Validation of the analytical surface sediment data (April and May high dissolved oxygen survey) continued.
- Quality control review of the fish community surveys (April and August) and habitat/wildlife survey (June) continued.

3. Encountered and Anticipated Problems and/or Delays and Solutions Developed and Implemented to Address Them

- None

4. Work Planned for the Next 2 Months with Schedules Relating to the Overall Project Schedule for RI/FS Completion

- A routine update meeting with USEPA is scheduled for October 11.
- The following Phase 1 field activities are scheduled for the next 2 months:
 - Analytical surface water column sampling: Weeks of October 1 and November 5
 - Reference area sampling is planned to begin the week of October 1
- An interim Pathways Analysis Report consisting of Tables 1 and 4 (excluding fish and shellfish ingestion rates) is scheduled for submittal to USEPA on or before November 1.

If you have any questions regarding this progress report, please do not hesitate to contact me at (201) 571-0912 (e-mail: jquadrini@anchorqea.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Quadrini", with a stylized flourish at the end.

Jim Quadrini, P.E., BCEE

Anchor QEA, LLC

cc: Nica Klaber, USEPA Region 2 Remedial Project Manager
Michael Mintzer, USEPA Region 2 Assistant Regional Counsel
Ian Beilby, NYSDEC, Division of Environmental Remediation
Dennis M. Reznick, Common Counsel for Newtown Creek Group Respondents
Susan Amron, Counsel for Respondent, City of New York